

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1414

Introduced by Senator Kehoe

February 19, 2010

An act to amend ~~Sections 1733 and 1735~~ *Section 1733* of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1414, as amended, Kehoe. Public Utilities Commission: procedures: rehearings.

Under existing law, the Public Utilities Commission (CPUC) has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law authorizes any party to an action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected by an order or decision of the CPUC, to apply for a rehearing with respect to any matter determined in the action or proceeding and specified in the application for rehearing. Existing law prohibits a cause of action arising out of any order or decision of the CPUC from accruing in a court to a corporation or person unless the corporation or person has filed an application to the CPUC for a rehearing within a specified amount of time after the date of issuance of the order or decision.

Existing law provides that any application for a rehearing made 10 days or more before the effective date of a CPUC order as to which a rehearing is sought, shall be either granted or denied before the effective date of the order, or the order is suspended until the application is granted or denied. Existing law provides that, absent a further order of

the CPUC, the suspension ceases after 60 days, the order becomes effective, and the party making the application is authorized to take the application as having been denied.

This bill, for an application for rehearing made 10 days or more before the effective date of the CPUC order as to which a rehearing is sought, would delete the provision that the suspension ceases after 60 days if the application is not granted or denied before its effective date, thereby indefinitely suspending the effective date of the order until the CPUC either grants or denies the application.

Existing law provides that if the application for rehearing is made less than 10 days before the effective date of the order as to which a rehearing is sought, and the application is not granted within 60 days, the party making the application is authorized to take the application as having been denied, unless the effective date of the order is extended for the period of the pendency of the application.

This bill would require that an application for rehearing made less than 10 days before the effective date of the CPUC order as to which a rehearing is sought, be acted upon within 120 days. The bill would provide that if the application is not acted upon within 120 days, the ~~order is suspended until the application is granted or denied. The bill would make other conforming changes~~ *application is deemed to be denied by operation of law.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1733 of the Public Utilities Code is
2 amended to read:
3 1733. (a) Any application for a rehearing made 10 days or
4 more before the effective date of the order as to which a rehearing
5 is sought, shall be either granted or denied before the effective
6 date, or the order shall be suspended until the application is granted
7 or denied.
8 (b) Any application for a rehearing made within less than 10
9 days before the effective date of the order as to which a rehearing
10 is sought shall be acted upon within 120 days. If the application
11 is not acted upon within 120 days, ~~the order as to which a rehearing~~
12 ~~is sought shall be suspended until the application is granted or~~
13 ~~denied.~~ *application shall be deemed denied by operation of law.*

1 ~~SEC. 2.—Section 1735 of the Public Utilities Code is amended~~
2 ~~to read:~~
3 ~~1735.—An application for rehearing shall not excuse any~~
4 ~~corporation or person from complying with and obeying any order~~
5 ~~or decision, or any requirement of any order or decision of the~~
6 ~~commission theretofore made, or operate in any manner to stay or~~
7 ~~postpone the enforcement thereof, except in such cases and upon~~
8 ~~such terms as the commission by order directs or as provided in~~
9 ~~Section 1733.~~

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